

109TH CONGRESS
1ST SESSION

S. 939

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Recovery Act
5 of 2005”.

1 **SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE**
2 **FOR DEBRIS REMOVAL AND EMERGENCY**
3 **PROTECTIVE MEASURES.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE APPLICANT.—The term “eligible
6 applicant” means—

7 (A) a State government;

8 (B) a local government;.

9 (C) a private nonprofit organization or in-
10 stitution that owns or operates any private non-
11 profit educational, utility, emergency, medical,
12 or custodial care facility, including a facility for
13 the aged or disabled, or any other facility pro-
14 viding essential governmental services to the
15 general public, and such facilities on Indian res-
16 ervations; and

17 (D) an Indian tribe or authorized tribal or-
18 ganization, or an Alaska Native village or orga-
19 nization (other than an Alaska Native Corpora-
20 tion), the ownership of which is vested in a pri-
21 vate individual.

22 (2) ELIGIBLE CLAIM FOR ASSISTANCE.—The
23 term “eligible claim for assistance” means—

24 (A) a claim for the clearance, removal, or
25 disposal of debris (such as trees, sand, gravel,
26 building components, wreckage, vehicles, and

1 personal property), if the debris is the result of
2 an emergency or major disaster and the clear-
3 ance, removal, or disposal is necessary—

4 (i) to eliminate an immediate threat,
5 as determined by the Secretary of Home-
6 land Security, to human life, public health,
7 or safety;

8 (ii) to eliminate an immediate threat,
9 as determined by the Secretary, of signifi-
10 cant damage to public or private property;

11 (iii) to ensure the economic recovery
12 of the community affected by the emer-
13 gency or major disaster to the benefit of
14 the community and any other community,
15 as determined by the Secretary; or

16 (iv) to ensure the provision of tem-
17 porary public transportation service in the
18 community affected by the emergency or
19 major disaster pursuant to section 419 of
20 the Robert T. Stafford Disaster and Emer-
21 gency Assistance Act (42 U.S.C. 5186);

22 (B) an action taken by an applicant before,
23 during, or after an emergency or major disaster
24 that is necessary—

1 (i) to eliminate or reduce an imme-
2 diate threat, as determined by the Sec-
3 retary of Homeland Security, to human
4 life, public health, or safety; or

5 (ii) to eliminate or reduce an imme-
6 diate hazard, as determined by the Sec-
7 retary, that threatens significant damage
8 to public or private property; or

9 (C) any other claim that the Secretary of
10 Homeland Security determines to be appro-
11 priate.

12 (3) EMERGENCY.—The term “emergency” has
13 the meaning given the term in section 102 of the
14 Robert T. Stafford Disaster and Emergency Assist-
15 ance Act (42 U.S.C. 5122).

16 (4) MAJOR DISASTER.—The term “major dis-
17 aster” has the meaning given the term in section
18 102 of the Robert T. Stafford Disaster and Emer-
19 gency Assistance Act (42 U.S.C. 5122).

20 (b) EXPEDITED PAYMENTS AUTHORIZED.—Notwith-
21 standing the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in-
23 cluding any regulation promulgated pursuant to that Act),
24 the Secretary of Homeland Security, acting through the
25 Director of the Federal Emergency Management Agency,

1 shall pay to an eligible applicant, in accordance with sub-
2 section (c), 50 percent of the Federal share of assistance
3 that the applicant is eligible to receive under section
4 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b),
5 5173(d), 5193).

6 (c) DATE OF PAYMENT.—A claim described in sub-
7 section (b) shall be paid not later than 60 days after the
8 date on which the applicant files an eligible claim for as-
9 sistance.

10 **SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE,**
11 **REMOVAL, AND DISPOSAL FROM EMERGENCY**
12 **ACCESS ROADS.**

13 (a) DEFINITION OF EMERGENCY ACCESS ROAD.—In
14 this section, the term “emergency access road” means a
15 road that requires access by emergency personnel, includ-
16 ing firefighters, police, emergency medical personnel, or
17 any other entity identified by the Secretary of Homeland
18 Security that provides an emergency service after a dec-
19 laration of an emergency or major disaster (as defined in
20 section 102 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5122)).

22 (b) REQUIREMENT.—Any reimbursement authorized
23 under section 407 of the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 5173) for
25 clearing and removing debris shall include reimbursement

1 for clearing, removing, and disposing of debris from any
 2 emergency access road.

3 **SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE**
 4 **LAND AS ELIGIBLE CLAIM FOR FEDERAL AS-**
 5 **SISTANCE.**

6 Section 408(c)(2)(A) of the Robert T. Stafford Dis-
 7 aster Relief and Emergency Assistance Act (42 U.S.C.
 8 5174(c)(2)(A)) is amended—

9 (1) in clause (i), by striking “and” at the end;

10 (2) in clause (ii), by striking the period at the
 11 end and inserting “; and”; and

12 (3) by inserting after clause (ii) the following:

13 “(iii) the removal, clearance, and dis-
 14 posal of debris from private property that
 15 is the result of an emergency or major dis-
 16 aster.”.

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